

REMARKS

Claim 24 has been amended. Claims 34-35 and 59-85 were withdrawn by the examiner and now canceled by applicant in this paper. Claim 27 has been canceled and new claim 86 added by applicant in this paper. Claims 24-26, 28-33, 36, 37, and 86 are pending in the present application.

Applicant regrets the error noted by the examiner regarding the IDS. Applicant is preparing a new IDS re-submitting the foreign art.

Applicant submits herewith for the examiner's review Replacement Sheets 3/23, 10/23, 13/23, 17/23, 18/23, and 19/23 that address each of the examiner's objections from pages 2-4 of the current Office action. Applicant regrets the informalities and respectfully requests that Replacement Sheets 3/23, 10/23, 13/23, 17/23, 18/23, and 19/23 be entered.

Applicant has amended the specification to address each of the examiner's objections from page 4 of the current Office action. Applicant regrets the informalities and request that the amended specification be entered on the record.

The examiner rejected claims 24-33 and 36-37 on the grounds of non-statutory obviousness type double patenting over claims 2, 23, 27-33, and 37-41 of U.S. Patent No. 6,673,025 (Richardson et al.). Applicant respectfully disagrees with the grounds for the rejection. However, applicant may elect to submit a terminal disclaimer at a future date when the pending claims are in condition for allowance to expedite prosecution.

The examiner rejected claims 24, 26, and 30-31 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,253,653 (Daigle et al.). This rejection is respectfully traversed.

Applicant respectfully disagrees with the examiner's for rejection. Nevertheless, to better distinguish the claims over the cited references, applicant has amended claim 24 to provide that the guidewire includes "a longitudinal portion which tapers distally to a reduced transverse dimension wherein the taper creates a substantially linear change in

stiffness of the core member over a length thereof'. New claim 86 has a similar limitation. The amendment is supported by applicant's specification at, for example, page 8, lines 3-13. Since Daigle does not teach or suggest a taper in the core member creating a linear change in stiffness, the claims are distinguishable over this reference.

The examiner rejected claims 25, 32-33, and 36-37 under 35 U.S.C. § 103(a) over Daigle in view of U.S. Patent No. 5,385,152 (Abele et al.). The examiner also rejected claim 27 under 35 U.S.C. § 103(a) over Daigle et al. in view of U.S. Patent No. 5,746,701 (Noone). The examiner further rejected claims 28 and 29 under 35 U.S.C. § 103(a) over Daigle et al. in view of U.S. Patent No. 4,748,986 (Morrison). These rejections are respectfully traversed.

Applicant respectfully disagrees with the examiner's grounds for each rejection. Applicant has added the limitations from claim 27 (and canceled claim 27) into independent base claim 24 to the effect that the guidewire includes "a longitudinal portion which tapers distally to a reduced transverse dimension wherein the taper creates a substantially linear change in stiffness of the core member over a length thereof". New independent claim 86 has essentially the same limitation.

None of the cited references teaches or suggests a guidewire with a core member having a taper that produces a linear change in stiffness along the length of the core member. According to the examiner, Noone at column 5, lines 25-35 teaches a linear change in stiffness. However, Noone at the examiner-cited passage actually teaches "A portion of the helically wound spring 66 extends distally of the distal end portion 63 so that the guidewire 60 has a continuous stiffness gradient along the length of the guidewire 60 from its stiffest point at the proximal end 61 to a more flexible point in the intermediate portion 62"

This passage of Noone does not teach or suggest the claimed invention, because: (1) it is the helical wound spring in Noone that creates the change in stiffness, not the taper in the core as claimed; and (2) a continuous stiffness gradient (or change) is not the

same as and does not suggest a “linear” stiffness change. At least for these reasons, none of the cited reference teaches or suggests the claimed invention. The obviousness rejections should be withdrawn.

In view of the foregoing, applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited. The Commissioner is authorized to charge Deposit Account No. 06-2425 for any unforeseen fees arising from the filing of this paper.

Respectfully submitted,

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IN THE DRAWINGS

Applicant submits for the examiner's consideration Replacement Sheets 3/23, 10/23, 13/23, 17/23, 18/23, and 19/23, each of which replaces the respective drawing sheet originally filed with the application.

In Replacement Sheet 3/23, applicant added reference no. 89 to FIG. 10.

In Replacement Sheet 10/23, applicant added reference nos. 121A, 122A, 122B, 122C, 123A, and 123B to FIG. 17.

In Replacement Sheet 13/23, applicant in FIG. 26 added reference no. 212 and extended the lead line for reference no. 225 closest to the FIG. 26 label.

In Replacement Sheet 17/23, applicant added reference nos. 314A and 315A to FIG. 39.

In Replacement Sheet 18/23, applicant added reference no. 456 and deleted reference no. 476.

In Replacement Sheet 19/23, applicant added reference no. 435.